

REMARKS

This paper is filed in response to the Office Action dated October 31, 2003. Because this paper is filed on March 1, 2004 and is accompanied by a request for a one (1) month extension of time and check in the amount of \$110 for the extension fee, this paper is timely filed.

I. STATUS OF AMENDMENTS

Claims 1-40 were pending prior to this amendment, with claims 39 and 40 withdrawn from consideration. By this amendment, applicant cancels claims 1, 3, 12, 14-22, 24-28, 31, and 33-40 without prejudice to refile, amends claims 2, 4-6, 8-10, 13, 23, 29 and 32, and adds new claims 41-88. Thus, claims 2, 4-11, 13, 23, 29, 30, 32 and 41-88 are now pending.

The total number of pending claims is sixty-two (62), which is twenty-two (22) more than the originally filed forty (40). Enclosed herewith is a check in the amount of \$568.00 for two (2) independent claims in excess of the six (6) independent claims originally filed and the twenty-two (22) additional claims in excess of the forty originally filed (40).

II. RESPONSE TO OFFICE ACTION

A. General Comments

Although the application describes various embodiments and makes various statements regarding the “invention,” it is well settled that the legal scope of the invention is defined by the words of the claims and that it is improper to read features of the embodiments described in the specification into the claims. It should also be recognized that the term “invention” may be used to mean various different things.¹ For example, the term “invention” may be used to refer to the technical subject matter that has been invented; the term “invention” may be used to refer to subject matter which is nonobvious; and the term

¹ This is explained in the Glossary of Volume 1 of Chisum on Patents, where the term “invention” is defined as follows:

INVENTION – In patent law, the word ‘invention’ has several different meanings. It may refer to (1) the act of invention through original conception and reduction to practice; (2) subject matter described and/or claimed in a patent, patent application or prior art reference (e.g., a product or process); or (3) the patentability requirement of invention, first developed by the courts and now subsumed in the statutory requirement of nonobviousness. Thus, an applicant may have invented (1) an invention (2) which is unpatentable for lack of invention (3) because it is an obvious modification of an invention (2) used by others in this country before the invention (1) thereof by the applicant.

“invention” may be used to refer to subject matter defined by the claims of a patent. Thus, the mere fact that the present application uses the term “invention” in various statements does not mean that the scope of the claims is limited by such statements.

It should also be understood that, unless a term is expressly defined in the application using the sentence “As used herein, the term ‘_____’ is hereby defined to mean...” or a similar sentence, there is no intent to limit the meaning of that term, either expressly or by implication, beyond its plain or ordinary meaning, and such term should not be interpreted to be limited in scope based on any statement made in any section of the present application (other than the language of the claims). Finally, unless a claim element is defined by recital of the word “means” and a function without the recital of any structure, it is not intended that the scope of any claim element be interpreted based on the application of 35 U.S.C. § 112, sixth paragraph.

It is respectfully submitted that the foregoing comments regarding claim construction are consistent with 35 U.S.C. §112 and the Office practice of utilizing the “broadest reasonable interpretation” of claims.

It is also respectfully submitted that the claims are supported by the application, that the claims satisfy the written description requirement and the other requirements of 35 U.S.C. §112, and that no new matter is being added. In this regard, it is well settled that the specification need not reproduce the exact language of the claims to satisfy the written description requirement of §112, first paragraph. In re Wright, 9 U.S.P.Q.2d 1649, 1651 (Fed. Cir. 1989) (“[T]he claimed subject matter need not be described in haec verba in the specification in order for that specification to satisfy the description requirement.”). The written description requirement of §112 can even be satisfied based solely on the drawings of a patent application. Vas-Cath Inc. v. Mahurkar, 19 U.S.P.Q.2d 1111, 1118 (Fed. Cir. 1991) (“These cases support our holding that, under proper circumstances, drawings alone may provide a ‘written description’ of an invention as required by §112”).

B. The October 31 Office Action

At the outset, numerous objections are raised to the drawings in paragraphs 3-6 of the October 31 Office Action. Applicant responds to the objections with a combination of amendments to the drawings and to the specification. In regard to the objections of paragraph 3, applicant submits herewith a replacement sheet. In regard to the first part of paragraph 4, the applicant has amended FIG. 2 to change the reference numeral associated with the touch screen from “32” to “32t” (a change that also resolves the objection in the first part of

paragraph 6). In regard to the second part of paragraph 4, the applicant has amended paragraph [0041] of the specification to refer to reference numeral “427” instead of “426.” In regard to paragraph 5, the applicant has amended FIG. 5 to substitute the reference numeral “414” for reference numeral “141”. In regard to the second, third and fourth parts of paragraph 6, the applicant has made numerous amendments to FIGS. 6A-6F and 8, as detailed in the “Amendments to the Drawings,” to resolve the objections stated therein.

Objections are also raised to the specification in paragraph 8 of the October 31 Office Action. Applicant has amended paragraphs [0023], [0026], [0033], [0034] and [0050] (in part) to correct the typographical errors noted in paragraph 8 of the Office Action.

As an aside, applicant notes that, in addition to the amendments made to resolve the objections noted in paragraphs 3-6 and 8 of the Office Action, some additional amendments were made to correct typographical errors in the drawings and specification and to maintain consistency between the drawings and specification. Such amendments to the drawings are noted in the “Amendments to the Drawings,” and such amendments to the specification are evidenced by the interlineations and underlinings made in the “Amendments to the Specification,” and in particular to paragraphs [0038] through [0042], [0044] and [0050] (in part).

Claims 1-3, 5, 9, 12, 14-22, 24, 28, 31 and 33-38 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by Luciano et al. (U.S. Patent No. 6,561,512). Moreover claims 6-8 and 25-27 are rejected under 35 U.S.C. §103 as allegedly unpatentable over Luciano et al. in view of Wain (European Patent No. EP 0 060 019.). By this amendment, claims 1, 3, 12, 14-22, 24-28, 31 and 33-38 have been canceled, so those rejections are moot. Further, applicants have amended claims 4, 10, 23, and 29, indicated to be allowable in paragraph 13 of the October 31 Office Action, into independent form. These claims, and claims 2, 5-9, 11, 13, 30 and 32 that depend therefrom, should now be in condition for allowance.

Moreover, applicants submit herewith new independent claims 41, 54, 67 and 78, which claims are believed to be similar in pertinent part to claims 4, 10, 23, and 29, according to the remarks of paragraph 13 of the October 31 Office Action. It is believed that these claims, and claims 42-53, 55-66, 68-77 and 79-88 that depend therefrom, respectively, also are not anticipated by or unpatentable in view of Luciano et al. or Wain, whether considered individually or in combination, given the similarities between claims 41, 54, 67, and 78 and claims 4, 10, 23, and 29. In particular, applicant notes that claims 41 and 67, like claims 4 and 23, recite the display of a plurality of spaced apart symbol carriers moving as a group

about a central axis substantially transverse to the plane of the display device. Further, claims 54 and 78, like claims 10 and 29, recite the display of a plurality of spaced apart symbol carriers including a centrally located symbol carrier and a group of symbol carriers disposed about the centrally located symbol carrier, and at least some of the plurality of pay lines being associated with at least two symbol carriers of the group of symbol carriers and the central symbol carrier.

Therefore, in view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. Further, if there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Respectfully submitted for,

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Date: March 1, 2004

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